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June 1, 2006

Jarrett Lovett, Clerk to the Honorable Joyce Alexander  
United States District Court  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

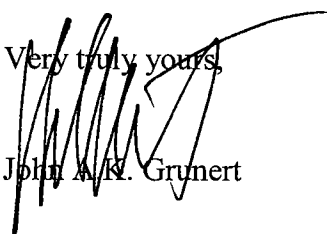
RE: Trans-Spec Truck Service, Inc. v. Caterpillar Inc.  
Civil Action No. 04-11836-RCL

Dear Mr. Lovett:

Attached is a letter which I ask you bring to Judge Alexander's attention as soon as possible. It merely directs her attention to evidence in the Court's record demonstrating the falsity of Mr. Samito's statement, at yesterday's hearing on Trans-Spec's motion to amend the complaint, concerning when Trans-Spec's counsel first had copies of the warranties Caterpillar gave with the engines.

Thank you for your assistance with this matter.

Very truly yours,

  
John A. R. Grunert

cc. Christian Samito, Esquire

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The Honorable Joyce Alexander  
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RE: Trans-Spec truck Service, Inc. v. Caterpillar Inc.  
Civil Action No. 04-11836-RCL

Dear Judge Alexander:

At yesterday's hearing on Trans-Spec's motion for leave to amend the complaint, Trans-Spec's counsel represented to you that they did not have a copy of the warranties (attached as Exhibit C to Trans-Spec's motion and as Exhibit D to the proposed Third Amended Complaint) which Caterpillar gave with the engines until after the Scheduling Order deadline for amending the pleadings had passed and until after you ruled on his earlier motion to amend. I told you that statement was a false; but because the statement came as a complete surprise to me I did not have with me record evidence to demonstrate its falsity.

You will find that record evidence in Exhibit C to Caterpillar Inc.'s Opposition to Plaintiff's Amended Motion for a Preliminary Injunction, which was served and filed on **September 9, 2004**. The court record itself demonstrates that Trans-Spec's counsel had, no later than that date, the very warranties he told you yesterday he did not have. I told you at the hearing that copies of those warranties had been produced by my office early in the case as part of Caterpillar's automatic disclosure, and I have now confirmed the accuracy of that statement. In light of the evidence in the Court's own record of the falsity of Trans-Spec's counsel's statement, however, I trust you do not need to see documentation of the automatic disclosure.

Very truly yours,



John A. K. Grunert

cc. Christian Samito, Esquire